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FILED  
12 JUL 27 AM 10:21  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

8 UNITED STATES DISTRICT COURT  
9  
10 CENTRAL DISTRICT OF CALIFORNIA

11 BRIDGETT ALLEN,

12 Plaintiff,

13 v.

14 RUBEN & ROSENTHAL, INC. and  
15 DOES 1 through 10, inclusive,

16 Defendants.

) CASE NO.:

) **CY12-06445**

GAF(AGR-x)

) COMPLAINT FOR DAMAGES  
)  
)  
)  
)

17  
18 Plaintiff, by and through her attorney, Amir J. Goldstein, Esq., as and for her complaint  
19 against the Defendant RUBEN & ROSENTHAL, INC. alleges as follows:  
20

21 **INTRODUCTION**

- 22 1. This is an action for damages brought by an individual consumer for Defendant's  
23 violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA")  
24 and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788, *et*  
25 *seq.* ("Rosenthal Act") which prohibits debt collectors from engaging in abusive,  
26 deceptive and unfair practices and the Telephone Consumer Protection Act of 1991, 47  
27 U.S.C. §227 *et seq.* ("TCPA").  
28

**PARTIES**

2. Plaintiff is a natural person residing in Stanislaus County, California.
3. Upon information and belief, RUBEN & ROSENTHAL, INC. is a debt collector as defined pursuant to 15 U.S.C. § 1692a (6) with its principal place of business in Houston, Texas.

**JURISDICTION**

4. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331 and venue is proper in this district pursuant to 28 U.S.C. § 1391 et seq., as the Defendant conducts business, the nature of which subjects the corporation to jurisdiction in this district and the transactions that give rise to this action occurred, in substantial part, in this district.

**AS AND FOR A FIRST CAUSE OF ACTION**

5. Plaintiff realleges paragraphs 1 through 4 as if fully restated herein.
6. That a personal debt was allegedly incurred by the Plaintiff to one World Gym.
7. That at a time unknown to the Plaintiff herein, the aforementioned debt was referred and/or assigned to the Defendant for collection.
8. That on or about June 2012, Plaintiff received several phone calls to her cellular phone from Defendant in an attempt to collect the aforementioned debt.
9. That on or about June 14, 2012, Defendant's agent, one **"Mr. Stevens"** contacted Plaintiff by phone in an attempt to collect a debt.
10. That Defendant's agent dialed Plaintiff from a number that came up as **"unavailable"** on Plaintiff's caller ID.
11. That in said communication, Defendant's agent failed to provide any meaningful identification or state that the call was an attempt to collect a debt.
12. That Defendant's agent, in order to further confuse and put pressure on Plaintiff, warned her, **"You're gonna (sic) need to return a call to my office today."** (emphasis added)

- 1 13. That in said communication, Defendant's agent instructed Plaintiff to call him back at the  
2 following number: **(888) 913-6747**.
- 3 14. That upon information and belief, the phone number **(888) 913-6747** is a phone number  
4 used and operated by Defendant.
- 5 15. That on or about June 14, 2012 at approximately 11:00 AM, when Plaintiff called phone  
6 number **(888) 913-6747**, the operator who answered the phone call indicated that the  
7 caller has reached "**Legal Services.**"
- 8 16. That Plaintiff, without knowing the nature of Defendant's prior phone call(s), was  
9 confused by the various deceptive communications made by Defendant.
- 10 17. That when Plaintiff was finally transferred to Defendant's agent, **Mr. Stevens**, he  
11 indicated that he represented a "**law firm**" and that Defendant was going to "**pursue**  
12 **court paperwork**" to sue over the alleged debt which was, according to Defendant,  
13 approximately \$150.
- 14 18. That Defendant, in an attempt to further scare and abuse Plaintiff, threatened that her  
15 account would be reported to the credit bureaus.
- 16 19. That Defendant's agent continued to intimidate Plaintiff and place undue pressure on her  
17 by **demanding payment by noon that day**, which gave Plaintiff less than one hour to  
18 remit payment.
- 19 20. That when Plaintiff informed Defendant's agent that she did not appreciate his bullying  
20 tactics, Defendant mocked Plaintiff by stating, "**Obviously, you are not good at what**  
21 **you do because you can't pay your bill**" and abruptly hung up the phone on her.
- 22 21. That immediately thereafter, Plaintiff called Defendant back to request that he cease  
23 communications with her.
- 24 22. That notwithstanding Plaintiff's lawful request, Defendant, in an attempt to collect a debt,  
25 called Plaintiff on her cellular phone from the following phone number: **(209)364-8764**.
- 26 23. That upon information and belief, **(209)364-8764** is a number owned and operated by  
27 Defendant.  
28



1 24. That when the number (209)364-8764 is dialed, the caller is told that the number is “no  
2 longer valid” or “that the call cannot be completed as dialed.”

3 25. That in said communication, Defendant’s agent, Mr. Stevens, threatened Plaintiff by  
4 stating, “...You need to deal with the situation today, Bridgett.” (emphasis added)

5 26. That in said communication, Defendant’s agent instructed Plaintiff to call number (888)  
6 913-6747.

7 27. That when the phone number (888) 913-6747 was dialed, the operator who answered the  
8 phone call indicated that the caller has reached “Professional Services” thereby further  
9 confusing the Plaintiff as to the nature of Defendant’s business.

10 28. That on or about June 18, 2012, Defendant’s agent, in an attempt to collect the  
11 aforementioned debt, contacted Plaintiff’s sister, a third party, by telephone and left the  
12 following message in pertinent part: “Chantel, Its Mr. Stevens. I was given your  
13 number to get a hold of your sister, Bridgett Allen. Make sure she calls my office  
14 this morning.” (emphasis added)

15 29. That Defendant’s agent also spoke with Plaintiff’s sister, a third party, in an attempt to  
16 collect a debt.

17 30. That in said communication, Defendant’s agent informed her that he was a debt collector  
18 and disclosed the amount of the alleged debt.

19 31. That when Plaintiff’s sister asked to speak to a manager, Defendant’s agent abruptly hung  
20 up the phone on her.

21 32. That immediately thereafter, Plaintiff’s sister called Defendant back and the gentleman  
22 who answered hung up on her as well.

23 33. That on or about June 19, 2012, Defendant continued to harass and abuse Plaintiff by  
24 calling Plaintiff’s cellular phone number but no other voicemail messages were left.

25 34. That on or about June 2012 through July 2012, Defendant continued to make several calls  
26 to Plaintiff’s cellular phone from a phone number which came up as “unavailable” on  
27 the caller ID.  
28

1 35. That Defendant left automated voice messages on Plaintiff's cellular phone which stated  
2 in pertinent part, "...my phone number is **1.800.778.5594** and you need to ask for  
3 **operator number 596536** and a prompt response is necessary..." (emphasis added)

4 36. That upon information and belief, the phone number **1.800.778.5594** is a phone number  
5 used and operated by Defendant.

6 37. That amidst other recorded messages that Defendant left, Defendant left deceptive  
7 messages which lacked disclosures creating a false impression that the phone call was not  
8 an attempt to collect a debt and did not originate from the Defendant.

9 38. That the Defendant's communications contain language demonstrating false statements  
10 and deceptive representations, and misleading and overshadowing language which  
11 contradicts the consumer's rights and are intended to circumvent the law, while  
12 compelling payment by means of duress and coercion.

13 39. That although Defendant placed a phone call to Plaintiff's cellular phone from **(209) 364-**  
14 **8764**, Defendant also placed several phone calls to Plaintiff's cellular phone from a  
15 phone number which came up as "**unavailable**" on the caller ID, creating a false  
16 impression that the phone call(s) were not attempts to collect a debt and did not originate  
17 from the Defendant.

18 40. That the messages left by Defendant deceptively vary and change in form and substance  
19 so that the Plaintiff is unable to determine the callers' identity, so that continuous and  
20 repetitive calls could be placed, appearing to be from different parties.

21 41. That Defendant failed to provide Plaintiff with written notice regarding the alleged debt  
22 as required by law.

23 42. That Defendant, in an attempt to collect a debt, engages in a pattern or practice of making  
24 representations which are false, harassing, confusing, misleading, deceptive and/or unfair.

25 43. That as a result of Defendant's conduct, Plaintiff suffered actual damages, including, but  
26 not limited to: extreme embarrassment, humiliation, stress, anxiety, aggravation and  
27 sleepless nights.

1 44. That Defendant's conduct violates 15 U.S.C. 1692 et seq., including but not limited to  
2 subsections (b), (c), (d), (e) and (g) in that the communications to the Plaintiff by the  
3 Defendant were deceptive, misleading and done in furtherance of harassing the Plaintiff  
4 to coerce payment of a disputed debt, under duress and harassment. More specifically:

- 5 a. That the Defendant's conduct violates 15 U.S.C. §1692b because: 1) the  
6 Defendant communicated with a third party for a purpose other than to acquire  
7 location information, 2) the Defendant did not state that he was confirming or  
8 correcting location information and 3) the Defendant informed a third party that  
9 the phone call was regarding the Plaintiff's debt;
- 10 b. The Defendant violated 15 U.S.C. § 1692c because the Defendant communicated  
11 with a third party, in an attempt to collect a debt;
- 12 c. Defendant has violated 1692d(5) by causing the Plaintiff's phone to ring  
13 repeatedly and continuously with intent to annoy, abuse or harass the Plaintiff at  
14 the called number;
- 15 d. Defendant has violated 1692d(6) by placing several phone calls to Plaintiff  
16 without giving meaningful disclosure of the caller's identity;
- 17 e. Defendant has violated 1692e(2) by falsely representing the character, amount, or  
18 legal status of the alleged debt;
- 19 f. Defendant has violated 1692e(5) by threatening to take imminent legal action that  
20 cannot be legally taken or is not intended to be taken;
- 21 g. Defendant has violated 1692e(10) by using false representations and/or deceptive  
22 means in an attempt to collect the alleged debt;
- 23 h. Defendant has violated 1692e(11) by failing to disclose in communications that  
24 the communication is from a debt collector; and
- 25 i. Defendant has violated 1692g by failing to provide Plaintiff with written notice in  
26 accordance with the law.

27 45. That as per 15 U.S.C. § 1692 et seq. and as a result of the above violation, Defendant is  
28 liable to the Plaintiff for statutory damages in an amount to be determined at the time of



1 trial but not less than \$1,000.00 per violation, plus actual damages and treble damages,  
2 costs and attorney's fees.

3  
4 **AS AND FOR A SECOND CAUSE OF ACTION**

5  
6 46. Plaintiff realleges paragraphs 1 through 45 as if fully restated herein.

7 47. The Rosenthal Fair Debt Collection Practices Act (Rosenthal Act), California Civil Code  
8 § 1788, et seq., prohibits unfair and deceptive acts and practices in the collection of  
9 consumer debts.

10 48. By its acts and practices as hereinabove described, the Defendant has violated the  
11 Rosenthal Act as follows, without limitation:

- 12 a. By placing telephone calls without disclosure of the caller's identity, Defendant  
13 has violated §1788.11(b);
- 14 b. By causing a telephone to ring repeatedly or continuously to annoy the person  
15 called and by communicating, by telephone or in person, with the debtor with  
16 such frequency as to be unreasonable and to constitute an harassment to the  
17 debtor under the circumstances, Defendant has violated §§ 1788.11(d) & (e);
- 18 c. In failing to inform consumers its true identity, Defendant has violated  
19 §1788.13(a), which prohibits communications with the debtor other than in the  
20 name of the debt collector or the person on whose behalf the debt collector is  
21 acting and §1788.13(i), which prohibits the false representation of the true nature  
22 of the business or services being rendered by the debt collector;
- 23 d. By making the false representation that a legal proceeding has been, is about to  
24 be, or will be instituted unless payment of a consumer debt is made, Defendant  
25 has violated §1788.13(j);
- 26 e. By failing to include certain debt collection notices and disclosures required by  
27 law.  
28

1 49. Pursuant to § 1788.30 of the Rosenthal Act, Plaintiff is entitled to recover her actual  
2 damages sustained as a result of the Defendant's violations of the Rosenthal Act. Such  
3 damages include, without limitation, statutory damages, any actual damages sustained,  
4 other resulting monetary losses and damages, and emotional distress suffered by Plaintiff,  
5 which damages are in an amount to be proven at trial.

6 50. In addition, because the Defendant's violations of the Rosenthal Act were committed  
7 willingly and knowingly, Plaintiff is entitled to recover, in addition to her actual  
8 damages, penalties of at least \$1,000 per violation as provided for in the Act.

9 51. Pursuant to § 1788.30(c) Rosenthal Act, Plaintiff is entitled to recover all attorneys' fees,  
10 costs and expenses incurred in the bringing of this action.

11  
12 **AS AND FOR A THIRD CAUSE OF ACTION**

13  
14 52. Plaintiff realleges paragraphs 1 through 51 as if fully restated herein.

15 53. That Defendant made several dunning telephone calls to Plaintiff's cellular phone using  
16 an automated telephone dialing system and/or a pre-recorded or artificial voice.

17 54. That Plaintiff did not expressly consent to Defendant's placement of telephone calls to  
18 Plaintiff's cellular telephone by the use of an automatic telephone dialing system or a pre-  
19 recorded or artificial voice prior to Defendant's placement of the calls.

20 55. That none of Defendant's telephone calls placed to Plaintiff's cellular phone were for  
21 "emergency purposes" as specified in 47 U.S.C. §227(b)(1)(A).

22 56. That Plaintiff was charged for the phone calls made by Defendant to her cellular phone.

23 57. That Defendant willfully or knowingly violated the TCPA, by placing non-emergency  
24 telephone calls to Plaintiff's cellular telephone using an automatic telephone dialing  
25 system or pre-recorded or artificial voice without Plaintiff's prior express consent in  
26 violation of 47 U.S.C. §227(b)(1)(A)(iii).

27 58. That as a result of Defendant's violations of the TCPA, Plaintiff suffered stress,  
28 aggravation and emotional distress.



1 59. That as a result of Defendant's violations of the TCPA, Plaintiff is entitled to \$500.00 for  
2 each artificial and/or prerecorded telephone call pursuant to 47 U.S.C. §227(b)(3)(B).

3 60. That as a result of Defendant's violations of the TCPA, Plaintiff is entitled to a maximum  
4 of treble damages pursuant to 47 U.S.C. §227(b)(3).

5 61. That as per 47 U.S.C. §227 et seq. and as a result of the above violations, the Defendant  
6 is liable to the Plaintiff for actual damages and statutory damages in an amount to be  
7 determined at the time of trial.

8  
9 **WHEREFORE**, Plaintiff respectfully prays that judgment be entered against Defendant in the  
10 amount of:

11 (a) Statutory damages and actual damages pursuant to 15 U.S.C. § 1692k in an  
12 amount to be determined at the time of trial on behalf of the class on the first cause of action.

13 (b) Statutory damages and actual damages pursuant to Civil Code §1788.30 *et seq.*, as  
14 to the second cause of action.

15 (c) Statutory damages and actual damages pursuant to 47 U.S.C. §227 in an amount  
16 to be determined at the time of trial on the third cause of action.

17 (d) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k and CA Civil  
18 Code §1788.30, *et seq.*

19 (e) For such other and further relief as may be just and proper.

20 (f) Plaintiff requests trial by jury on all issues so triable.

21  
22  
23 Dated: July 12, 2012

  
\_\_\_\_\_  
Amir J. Goldstein, Esq.  
**Attorney for Plaintiff**  
5455 Wilshire Boulevard., Suite 1812  
Los Angeles, CA 90036  
Tel 323.937.0400  
Fax 866.288.9194

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

**CV12- 6445 GAF (AGR~~x~~)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

## Name &amp; Address:

Amir J. Goldstein, Esq. (CA Bar No. 255620)  
 5455 Wilshire Boulevard, Suite 1812  
 Los Angeles, CA 90036  
 Tel 323.937.0400  
 Fax 866.288.9194

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

BRIDGETT ALLEN

CASE NUMBER

PLAINTIFF(S)

CV12-06445 GAF (AGKX)

v.

RUBEN & ROSENTHAL, INC. and DOES 1 through  
 10, inclusive,

DEFENDANT(S).

## SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Amir J. Goldstein, Esq., whose address is 5455 Wilshire Boulevard, Suite 1812 Los Angeles, CA 90036. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: \_\_\_\_\_

JUL 27 2012

Clerk, U.S. District Court

JULIE PRADO

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

1154



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
 BRIDGETT ALLEN,

**DEFENDANTS**  
 RUBEN & ROSENTHAL, INC. and DOES 1 through 10, inclusive

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Amir J. Goldstein, Esq. (CA Bar No. 255620)  
 5455 Wilshire Boulevard, Suite 1812, Los Angeles, CA 90036  
 Tel 323.937.0400

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
 (Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:** ☐ Yes ☒ No

**MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 USC 1692 et seq; violations of the Fair Debt Collection Practices Act ("FDCPA")

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**CV12-06445**

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Stanislaus

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Texas

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Stanislaus

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_

Date

7/12/12

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))